

ELECTRONIC FILING

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Malcolm Nigel Hunter
:
Application No. : 10/583,288
:
Filing Date : June 16, 2006
:
For : ROOT AND WATER MANAGEMENT
: SYSTEM FOR POTTED PLANTS
:
Examiner : Robinson, Daniel Leon
Art Unit : 3742
Confirmation No. : 8205
Docket No. : FISHR-74622
Customer No. : 24201
Date: : November 13, 2008

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT
UNDER 35 U.S.C. 121 AND 372

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated October 16, 2008.

Regarding the third paragraph on page 2 of the referenced Office Action, applicant elects, with traverse, Group I, which includes claims 1-9, 12, 39-45 and 46, drawn to a pot. Applicant traverses the restriction because applicant believes that searching both groups would not impose an undue burden.

Applicant specifically reserves the right to file a divisional application or applications for claims 34-35, drawn to a method at applicant's sole discretion.

Respectfully submitted,
FULWIDER PATTON LLP

By /thomas a. runk/
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TAR/jb

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